

Title 19 – DEPARTMENT OF HEALTH and SENIOR SERVICES

Division 30 – Division of Regulation and Licensure

Chapter 62 – Licensing Rules for Group Child Care Homes and Child Care Centers

PROPOSED AMENDMENT

19 CSR 30-62.082 Physical Requirements of Group Day Care Homes and Day Care Centers. The department is amending subsection (1)(K).

PURPOSE: This amendment specifies that smoking is prohibited in areas where children are cared for in a group child care home or child care center as recommended by the American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome for a safe infant sleeping environment.

(1) General Requirements.

- (A) The premises shall be safe and suitable for the care of children.
- (B) The premises shall conform to the fire and safety requirements of the State Fire Marshal or his/her designee and requirements for state or local zoning, building and sanitation.
- (C) Children shall have no access to areas not approved for child care.
- (D) Stairways in approved child care space shall be well-lighted and free of obstructions. Stairways in approved child care space having more than three (3) steps shall have a handrail the children can reach.
- (E) Porches, decks, stairwells or other areas in approved child care space having a drop-off of more than twenty-four inches (24") from which children might fall and be injured shall have an approved railing or approved barrier. The railing or barrier shall be constructed to prevent the child from crawling or falling through or becoming entrapped.
- (F) Approved safety gates at stairways and doors shall be provided and used as needed.
- (G) Protective outlet covers or twist-lock outlets shall be used in areas accessible to the children.
- (H) Heaters, floor furnaces, radiators, hot water heaters or other equipment which pose a threat to children shall meet the requirements of 19 CSR 30-62.087 Fire Safety.
- (I) All flammable liquids, matches, cleaning supplies, poisonous materials, medicines, alcoholic beverages, hazardous personal care items or other hazardous items shall be inaccessible to children.

(J) Ammunition, guns, hunting knives, bows and arrows or other weapons shall be stored in a locked cabinet or locked closet.

(K) *[Smoking shall be prohibited in child care areas and in food preparation and food service areas.]* **No person shall smoke or otherwise use tobacco products in any area of the child care facility during the period of time when children cared for under the license are present.**

AUTHORITY: section 210.221[.1(3)], RSMo [Supp. 1998] 2000, and section 210.223, RSMo (HCS for SCS for SB 341, 98th General Assembly, First Regular Session (2015)). This rule previously filed as 13 CSR 40-62.071, 13 CSR 40-62.082 and 19 CSR 40-62.082. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.082, effective Dec. 9, 1993. Changed to 19 CSR 30-62.082 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Amended: Filed November 10, 2015.*

*Original authority: 210.221.1(3), RSMo 1949, amended 1955, 1987, 1993, 1995.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500.00) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*